INVESTIGATIVE SUMMARY

FILE # IAB011319

The summary of this incident is based on the reports, memorandums, teletypes. MDT messages, and taped interviews conducted by Internal Affairs Bureau investigators, contained in this package. It also contains information verbally relayed to the Internal Affairs Bureau investigators. This summary is preliminary and only contains information given to the Internal Affairs investigators by Deputy Witnesses to the incident.

IAB Note: The suspect, Mario Ramos, who was arrested in this incident, claimed he was not involved in this incident, although being positively identified by Deputy Martinez and Millette. He was released 849b-1PC and the case was a D.A. Reject per the investigating officer. Due to this he was not interviewed by Internal Affairs Bureau.

Lieutenant Ben Nottingham, Sergeants Barry McCrummen and Herman Trevizo, responded to the scene on Tuesday, February 18, 1997, and contacted Lieutenant Rufus Tamayo of Century Station for preliminary details of the deputy involved shooting.

The investigation revealed that on Tuesday February 18, 1997, at approximately 2023 hours, Century Station units responded to a Malicious Mischief now call at [redacted] Beach Street, Los Angeles.

Deputy Millette said he was working unit 217 PM's with Deputy Michael Martinez, [redacted]. He and his partner were assigned to assist Deputies Brauberger and Johnson, unit 216 PM's, on call of a malicious mischief now, at [redacted] Beach Street, L.A.

IAB Note: The call was at 2023 hours, tag #331, to units 216/P and 217/P, of a [redacted], several gang members writing on the wall in front of the location.

Deputy Millette said they responded to the call, which was about three blocks away. While enroute, they met unit 216 at Firestone Blvd. and Graham, which was one block west of the location. They stopped and briefly spoke to unit 216 and decided they would drive east through the east/west alley, just north of Firestone Blvd. and 216 would drive east on 85th Street and come in just north of the location.

Deputy Millette said they figured that by doing this the suspects would be caught between the two units and have less of an opportunity to run from them. He said he drove down the alley with the vehicle lights out and on approaching Beach Street at the end of the alley, he turned on the headlights.

Deputy Millette said he was still driving forward very slowly, attempting to see what was happening on the street. He said as he was just starting to turn north out of the driveway, both he and his partner observed a male Hispanic, wearing a white T-shirt and lite blue colored jeans, running south on Beach Street, on the west sidewalk, directly towards them. He said the male appeared to be looking back over his right shoulder. He said he had his hands down like he was holding onto something. He said at the time he thought it looked like a broom stick.

Deputy Millette said the male was running so fast, he almost struck the front fender of their car. He

said when the male realized they were there he became very frightened and continued running, in a westerly direction in the alley, along the driver's side of the vehicle.
Deputy Millette said both he and his partner exited the radio car and ran after the suspect. He said they said something to each other like, "Let's get him." He said as he put the car in park, Martinez got out of the passenger's side of the car. He said Martinez was approximately seven feet in front of him and the suspect was a short distance in front of Martinez.

Deputy Millette said the suspect turned north to run into the backyard of a house, thought an open fence. He said as the suspect slowed down to make the turn, he turned back towards his partner and as he did, he could see the suspect had a rifle in his hands.

Deputy Millette said as the suspect turned back to the right, he raised the barrel of the rifle from being pointed at the ground, to a "port arms" position, as if he was going to engage his partner. He said as the suspect was bringing up the rifle up, he and Martinez were still moving closer. He said he felt the suspect was going to shoot at his partner.

Deputy Millette said as the suspect was raising the rifle, his partner had his weapon out and fired one shot at the suspect. He said at first he didn't know if the shot had been fired by Martinez, or the suspect. He said as he heard the shot the suspect ran into the backyard and out of his view behind some corrugated metal covering the gate area, see Exhibit C.

Deputy Millette said he yelled at his partner, asking him who shot. He said Martinez told him he had fired the shot. He said immediately after the gun shot he heard a thud, as if an object hit the ground in the rear yard. He said Martinez yelled, "He dropped the gun, he dropped the gun!" Martinez then told him the suspect was still running northbound.

Deputy Millette said Martinez was approximately ten feet behind the suspect, when he fired at him. He said the suspect was standing just inside the gate at the time. He said he was moving along the north edge of the alley as the shot was fired. He said Martinez was more in the center of the alley and more at an angle to the suspect.

Deputy Millette said he didn't recall any conversation between he and his partner as they chased the suspect thought the alley. He said he had his flashlight, but could not recall using it to illuminate the suspect. He said he vividly recalled clearly seeing the suspect and believes either he or his partner were illuminating the suspect.

Deputy Millette said the lighting conditions were dark with some street lights in the alley. He said he didn't see any civilians or deputies in the area a the time of the foot pursuit or shortly after.

Deputy Millette said after checking with his partner, Martinez took a position in the alley and he ran back, east towards Beach Street, in an attempt to contain the suspect in the backyards. He said he could see the suspect run across Beach eastbound. He said he put out a radio broadcast, requesting additional units and related that they had been involved in a shooting.

Deputy Millette said the suspect was located near 84th Street and Holmes Avenue. He said the location was approximately three streets east of their Beach location. He said the suspect was definitely the same individual as they had chased.

Deputy Millette said while he was setting up a containment, his partner recovered the rifle and put it on the trunk of their car. He said during this time he observed unit 216 chasing an individual east

on 85th Street. He said they chased the individual after they heard the shot, believing that either he shot at them (unit 217) or they had shot at him and he was escaping.
Deputy Millette said while all of this was happening they opened the trunk of their car and secured the rifle. He said when they checked later they discovered the rifle was loaded with a live round in the chamber and 13 to 15 rounds in the tubular magazine.

Deputy Millette said both of them left their batons in the car. He said the entire pursuit lasted approximately eight seconds until the shot was fired. He said he may have drawn his gun once he exited the vehicle.

Deputy Millette said after the incident he learned that his partner's portable radio was intermittently working, due to a bad battery.

Deputy Johnson said he and his partner were assigned the handle on call at [redacted] Beach Street, L.A. He said unit 217 PM's, Deputies Michael Martinez and Timothy Millette was assigned the assist.

Deputy Johnson said they met unit 217/P and make plans before going to the call. He said when they met they decided that 217/P would drive east in the alley between Firestone Blvd. and 85th Street. and they would drive east on 85th Street. He said the plan was to surround the suspects.

Deputy Johnson said as they turned the corner from 85th Street to south on Beach Street, he heard a single gun shot. He said he observed the hood of unit 217/P protruding from the end of the alley, at Beach.

Deputy Johnson said he observed a male run out of the alley, along the driver's side of unit 217. He said the suspect was a male Hispanic and he was wearing some long blue jeans shorts and he had on a blue and white stripped shirt. He said the suspect ran east across Beach Street and through the backyard and then around the side of the same house and out of sight. He said he chased him through the first yard, but quit when he lost sight of him.

Deputy Johnson said Deputy Millette appeared at the mouth of the alley and told them that the suspect was last seen running north through the houses towards 85th Street. He said he ran towards 85th Street and his partner followed him in their car. He said they didn't find anything.

Deputy Johnson said he again observed the male Hispanic in the shorts appear from a house on 85th Street, near Beach Street. He ran north across the street, then east on the sidewalk towards Holmes Avenue. He said he chased the suspect on foot and his partner followed in the car. He said he again lost sight of the male and he stopped and spoke to three male Hispanics standing on the street, who told him the male had run into an apartment complex adjacent to the location.

Deputy Johnson said they set up a containment and waited for instructions. He said eventually a suspect was detained by another unit and was positively identified by unit 217/P.